

James River Chlorophyll Criteria Regulatory Advisory Panel Meeting

June 21, 2016

Patrick Henry Building

John Kennedy – DEQ Office of Ecology

Agenda:

- Introductions
- RAP Process and Schedule
- Background and Summary of JR Study:
 - SAP's *"Empirical Relationships Report"*
 - ICPRB's White Paper *"From Programmatic Goals to Criteria"*
 - Add'l SAP supporting documents/comments
- CBF Presentation
- Current Assessment Method and Potential Alternate
- Wrap-Up, Plan for Next Meeting

RAP Process

- Can use “strawman” or “issue-oriented approach”
- Attempt to reach consensus: *“a willingness of each member to be able to say he/she can live with the decisions reached and will not actively work against them outside of the process”*
- Negotiate in good faith around complex and sensitive issues
- If no consensus, staff will present differing opinions to DEQ management and the SWCB

2016 James R. CHL'a' Criteria Rulemaking Timeline



Legend



180 Days Includes Ad Hoc, Proposal Development, and go to Board

Board Action -->



DBP and Executive Review (Minimum 73 Days - 45 for DPB, 14 days for SNR, no time limit for Gov), 14 days for DEQ to publish



NOPC Comment Period



180 Days

Board Action -->



DPB and Executive Review (Minimum 21 days - 14 days for DPB and 7 for SNR, Gov has no time limit), 14 days for DEQ to publish



Final Stage Includes Final Publication, AGO Certification, EPA Approval, Effective Date



Approx. time of Board meeting

Background and Summary of JR Study

- SAP Report focuses on effects-based relationships and impacts
- Some SAP members advocate a reference-based approach
- Arithmetic means used to analyze data for “lines of evidence”; Geometric means used to assess criteria attainment
- SAP Report yields protective ranges; geo-means would yield lower ranges
- Consensus not reached

Background and Summary (cont.)

- ICPRB's White Paper begins with goals found in Bay Agreements and WQ Standards
- Builds on narrative standards, principal ecological concepts and empirical evidence
- Reference conditions in “least impacted” areas of Chesapeake Bay; multi-metric indices of bio-integrity
- Can make criteria more protective by lowering numeric values (relies on geo-means), or change to an upper limit

Background and Summary (cont.)

- SAP member's comment documents further explain positions in support of differing approaches, and alternatives to resolve conflicts
- EPA has initiated STAC review of the Study documents:
 - Have charge and questions
 - 45-60 days for review
 - Only one part of materials DEQ will consider in forming proposal